

REMARKS

Claims 1-14, 17, 20 and 28 are pending in the application. Other previously pending claims have been or are hereby canceled, without prejudice.

Claim rejections under 35 U.S.C. §103 and Allowable Subject Matter

The withdrawal of the prior objections and §112 and art-based rejections is gratefully acknowledged. The maintenance of the provisional double patenting rejections and the new art-based rejections are noted.

The indication that the elected species of the first material, the composite reaction product of lithium metal with Cu₃N, is neither taught nor reasonably suggested by the prior art of record, and accordingly of the potential allowability of claims 25 and 30 is gratefully acknowledged. Without addressing the merits of the new rejections at present, the claims have been amended to place the claims indicated allowable in condition for allowance in order to expedite the issuance of a patent for the subject matter currently indicated allowable.

Accordingly, the pending claims are respectfully submitted to be allowable over the cited art.

Double Patenting

Several pending claims were again provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims of copending child Application No. 10/731,771. It is submitted that the present amendments to the claims pending in this application, together with amendments made in the cited application obviate this provisional statutory double patenting rejection since the claims in the two applications are no longer of the same scope.

The maintenance of the provisional obviousness-type double patenting rejections also in view of claims in the child application 10/731,771 is noted. It is respectfully submitted that amendments to the claims of both applications render the claims patentably distinct. For example, the claims of the child application 10/731,771 now recite that the claimed protective composite comprises a gradual transition between the first and second materials.

Accordingly, withdrawal of the double patenting rejections is respectfully requested.

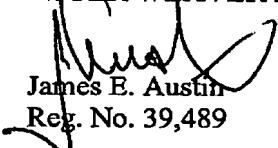
Should this obviousness-type double patenting rejection ultimately be maintained, or should the obviousness-type double patenting rejection over copending grandchild application 10/772,228 be reasserted, Applicants propose to file Terminal Disclaimers in one or more of the later filed applications, as appropriate, in order to obviate any such obviousness-type double patenting issues prior to the conclusion of prosecution.

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Conclusion

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below. If any additional fees not submitted with this filing are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 500388 (Order No. PLUSP027).

Respectfully submitted,
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